

REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1-31 are currently pending. Claims 1, 6, 8, 11, 16, 18, 19, 22, 24, 26, 27, and 30 are independent. Claims 1, 8, 11, 16, 18, 19, 22, 24, 26, 27, and 30 have been amended through this Reply. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

35 U.S.C. § 102 REJECTION – Nakakita

Claims 1-2, 4-8, 10-11, and 16-31 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nakakita et al. (JP 2002159053)[hereinafter "Nakakita"]. Applicants respectfully traverse this rejection for the following reasons.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Nakakita fails to teach or suggest each and every claimed element of independent claims 1, 6, 8, 11, 16, 18, 19, 22, 24, 26, 27, and 30.

A. Office Action Not Sufficient

When a cited reference, used as a basis to reject one or more claims, is complex or shows or describes inventions other than that claimed, the particular part of the cited reference relied upon must be designated nearly as practicable. *See 37 C.F.R. § 1.104(c)(2)*. The Office Action fails to meet this burden.

In this instance, claims 1-2, 4-8, 10-11, and 16-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nakakita. Indeed, it is merely concluded that the cited reference “anticipates” the claims. The only accompanying statements were to direct the Applicants to review paragraphs [0015], [0016], [0049], and [0055].

With regard to Nakakita, it is noted that the corresponding descriptions of the cited paragraphs are complex, show, and describe parts of a radio communication system that are not

necessarily claimed by claims 1-2, 4-8, 10-11, and 16-31. A mere direction to “refer to the paragraphs” **is not sufficient to meet the burden** of designating the particular part relied upon as required by Rule 104(c)(2).

Also, where a major technical rejection is proper, **the rejection should be stated with a full development of reasons rather than by a mere conclusion**. See M.P.E.P. 707.07(g). As noted above, it is merely concluded that the cited reference “anticipates” the claims, and this is coupled with a mere direction to “refer to the paragraphs.” The burden of stating the rejection with a full development of reasons has not been met.

If the rejection is maintained, Applicants request that the particular parts of the cited reference be designated and full development of reasons be provided.

B. **Nakakita Fails to Teach or Suggest Each and Every Claimed Element of Independent Claims 1, 6, 8, 11, 16, 18, 19, 22, 24, 26, 27, and 30.**

Independent claim 1 recites, *inter alia*, “**determining by the management terminal device**, a participation terminal device that **should be excluded from the network in accordance with the communication availability judgment result**, and **deleting by the management terminal device**, the participation terminal device that should be excluded from the network from the participation terminal information, thereby updating the participation terminal information stored in the management terminal device.” *Emphasis added.*

It is respectfully submitted that Nakakita fails to teach or suggest the above-identified claim feature.

Nakakita is directed to a conventional domestic radio communication system with which wireless LAN (Local Area Network) is used in which a radio terminal can perform certain registration and attestation in the domestic radio communication system. For example, as illustrated in Fig. 1, Nakakita discloses a base transceiver station A installed in house A wherein terminals 1 and 3 belonging to house A and a base transceiver station B installed in house B wherein terminal 4 belonging to house B, and an outdoor terminal 2 belonging to an outdoor transceiver (not shown). Nakakita further discloses that the base station A only manages registration and attestation of a terminals 1 and 3 belonging to house A, whereas the base station

B only manages registration and attestation of a terminal 4 belonging to house B. (*See paragraph [0015].*)

It is respectfully submitted that Nakakita fails to teach or suggest the step or structures for determining by a management terminal device, a participation terminal device that should be excluded from the network in accordance with the communication availability judgment result, and deleting by the management terminal device, the participation terminal device that should be excluded from the network from the participation terminal information, thereby updating the participation terminal information stored in the management terminal device.

First, the Examiner failed to indicate what terminal of Nakakita corresponds to the claimed “management terminal device” or what terminals of Nakakita correspond to the “claimed participation terminal devices”. As mentioned earlier, a mere direction to “refer to the paragraphs” is not sufficient to meet the burden of designating the particular part relied upon as required by Rule 104(c)(2).

Even if, *assuming arguendo*, the transceiver station A or B is considered the claimed “management terminal device”, this transceiver station (A or B) is not one of the terminals 1, 2, 3, or 4. Conversely, the claimed invention requires that the management terminal device is one of the communication terminal devices that can directly communicate with each other. Further, no where does Nakakita teach or suggest that the transceiver station A or B includes a function of managing the configuration of the LAN.

On the other hand, if, *assuming arguendo*, one of the terminals 1, 2, 3, or 4 is considered the claimed “management terminal device”, no where does Nakakita teach or suggest that this management terminal device (e.g., terminal 1) determines whether other terminal device (one of terminals 2, 3, or 4) should be excluded from the LAN in accordance with the communication availability judgment result. Further, no where does Nakakita teach or suggest that this management terminal device (e.g., terminal 1) deletes the participation terminal device (one of terminals 2, 3, or 4) from the LAN from a participation terminal information, thereby updating the participation terminal information stored in the terminal 1.

Further, the claimed invention recites that the participation terminal devices directly communicate with each other. Whereas, Nakakita does not teach or suggest that the terminals 1, 2, 3, or 4 directly communicate with each (see Figs. 1 and 30.)

Independent claim 6 recites, *inter alia*, “a management communication terminal device for managing a network configuration in such a way that a participation terminal device can directly communicate with another participation terminal device, . . . a process of determining a participation terminal device that should be excluded from the network in accordance with the communication availability judgment result, and deleting the participation terminal device that should be excluded from the network from the participation terminal information, thereby updating the participation terminal information.

Independent claim 8 recites, *inter alia*, “a communication terminal device other than a management terminal device, wherein the management terminal device includes a function of managing the configuration of a network, . . . a process of judging whether direct communication with another participation terminal device that is participating in the network can be performed or not; and a process of sending the communication availability judgment result obtained by the process of judging to the management terminal device.

Independent claim 11 recites, *inter alia*, “a network band management method used in a network that comprises a plurality of communication terminals including a single management terminal and a plurality of managed terminals, wherein the single management terminal includes a function of managing a configuration of the network, the plurality of the communication terminals in the network directly communicating with each other; the network band management method comprising the steps of: giving notice of sending information . . . generating by the management terminal, band-in-use information regarding a band being used in the network in accordance with the notified sending information; and giving notice of the generated band-in-use information from the management terminal to the plurality of the managed terminals.”

Independent claim 16 recites, *inter alia*, “receiving participation terminal information of the communication terminal that is participating in the network, the participation terminal

information being sent from the management terminal at regular intervals, wherein the management terminal includes a function of managing a configuration of the network; judging communication availability judgment indicating whether direct communication with the communication terminals that are participating in the network can be performed and available transmission rates in accordance with the participation terminal information; sending a participation request which contains a result of the transmission rate judgment to the management terminal . . . determining network participation permissibility in accordance with the received participation permissibility judgment result.”

Independent claim 18 recites, *inter alia*, “a network configuration management method for managing a network configuration by a management terminal, . . . the communication terminals that are participating in the network can directly communicate with each other and can acquire available transmission rates of each other; the network configuration management method comprising the steps of: . . . receiving a participation request being sent from a participation requesting terminal requesting to newly participate in the network, the participation request which contains communication availability information indicating whether communication with the communication terminals that is participating in the network can be performed or not and a result of available transmission rate judgment; . . . updating the participation terminal information in accordance with the participation permissibility judgment, if the participation requesting terminal can participate in the network; and sending the participation terminal information to the communication terminal that is participating in the network, if the participation terminal information is updated.”

Independent claim 19 recites, *inter alia*, “a network configuration management method for managing a network configuration, wherein the network includes a plurality of communication terminals each having a unique terminal identifier, one of the plurality of communication terminals is the management terminal that includes a function of managing the configuration of the network, and the communication terminals that are participating in the network can directly communicate with each other and can acquire available transmission rates of each other; the network configuration management method comprising the steps of: . . . excluding by the certain communication terminal other than the management terminal, the

certain communication terminal from the network in accordance with a notice of exclusion being sent from the management terminal, if the certain communication terminal cannot communicate with the other communication terminals that are participating in the network at a predetermined transmission rate or more, **as a result of the transmission rate judgment.**”

Independent claim 22 recites, *inter alia*, “a network configuration management method for **managing a network configuration by a management terminal**, wherein the network includes a plurality of communication terminals each having a unique terminal identifier, one of the plurality of communication terminals is the management terminal, and the communication terminals that are participating in the network can **directly communicate with each other** and can acquire available transmission rates of each other; the network configuration management method comprising the steps of: . . . determining whether the communication terminal can participate in the network or not **in accordance with the received transmission rate information**, and deleting terminal information of a communication terminal being determined not to be able to participate in from the participation terminal information, thereby excluding the communication terminal from the network.”

Independent claim 24 recites, *inter alia*, “a communication terminal device requesting to participate in a network, wherein the network includes a plurality of communication terminals each having a unique terminal identifier, one of the plurality of communication terminals is a management terminal **that includes a function of managing a configuration of the network**, and the communication terminals that are participating in the network can **directly communicate with each other** and can acquire available transmission rates of each other; the communication terminal device comprising: . . . a transmission rate judging means for judging communication availability indicating whether or not direct communication with the communication terminal that is participating in the network can be performed and **available transmission rates in accordance with the participation terminal information**; . . .”

Independent claim 26 recites, *inter alia*, “a communication terminal device as a management terminal which is one of a plurality of communication terminals forming a network, wherein the network includes the plurality of communication terminals each having a unique

terminal identifier, one of the plurality of communication terminals is the management terminal that includes a function of managing a configuration of the network, and the communication terminals that are participating in the network can directly communicate with each other and can acquire available transmission rates of each other; the communication terminal device comprising: . . . a participation request receiving means for receiving communication availability information indicating whether direct communication with the communication terminal that is participating in the network can be performed or not and a participation request which contains an available transmission rate judgment result, being sent from a participation requesting terminal which offers to newly participate in the network”

Independent claim 27 recites, *inter alia*, “a communication terminal device other than a management terminal, which is one of a plurality of communication terminals forming a network, wherein the network includes the plurality of communication terminals each having a unique terminal identifier, one of the plurality of communication terminals is the management terminal that includes a function of managing a configuration of the network, and the communication terminals that are participating in the network can directly communicate with each other and can acquire available transmission rates of each other; the own communication terminal device comprising: . . . a transmission rate judging means for judging communication availability judgment indicating whether direct communication with the communication terminals that are participating in the network can be performed or not and available transmission rates for communication, in accordance with the participation terminal information; . . . an excluding means for excluding the own communication terminal device from the network in accordance with a notice of exclusion which is sent from the management terminal, as a result of the transmission rate judgment, when the communication terminal device fails to communicate with the communication terminal that is participating in the network at a predetermined transmission rate or more.”

Independent claim 30 recites, *inter alia*, “a communication terminal device as a management terminal which is one of a plurality of communication terminals forming a network, wherein the network includes the plurality of communication terminals each having a unique terminal identifier, one of the plurality of communication terminals is the management terminal

that includes a function of managing a configuration of the network, and the communication terminals that are participating in the network can directly communicate with each other and can acquire available transmission rates of each other; the communication terminal device comprising: . . . a transmission rate judgment information receiving means for receiving a confirmation result of available transmission rates for direct communication between the communication terminal that is participating in the network and each of the communication terminals”

Independent claims 6, 8, 11, 16, 18, 19, 22, 24, 26, 27, and 30 are distinguishable from Nakakita at least for the same reasons stated with respect to claim 1 above and further in view of other features recited therein.

For example, in regard to claim 11, nowhere does Nakakita teach or suggest, among other features, “generating by the management terminal, band-in-use information regarding a band being used in the network in accordance with the notified sending information; and giving notice of the generated band-in-use information from the management terminal to the plurality of the managed terminals.” The Examiner cites paragraphs 0015-0016 and 0049 as disclosing the above-identified feature. However, upon careful review Applicants find no teaching or suggestion of the above-noted feature. Applicants request the Examiner to point out specifically which elements/features of Nakakita correspond to the above-identified claim feature.

Similarly, nowhere does Nakakita teach or suggest the claimed “transmission rate information” as identified in claims 16, 18, 19, 22, 24, 26, 27, and 30 above. In paragraph [0055], Nakakita discloses as follows: “Since this 2nd example is clear in correlation with an authentication notification and the change rate to the authentication mode of a terminal compared with the 1st above-mentioned example, its point that the registration and attestation which the terminal which is not a request mistook can be prevented is advantageous.” However, this “change rate” is not the “transmission rate information” as recited in the above-identified claims.

Therefore, for at least the above reasons, it is respectfully submitted that Nakakita fails to anticipate independent claims 1, 6, 8, 11, 16, 18, 19, 22, 24, 26, 27, and 30 and corresponding dependent claims.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1-2, 4-8, 10-11, and 16-31.

35 U.S.C. § 103 REJECTION – Nakakita, Takeuchi

Claims 3, 9, and 12-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakakita in view of Takeuchi et al. (JP 02002111728 A)[hereinafter “Takeuchi”]. Applicants respectfully traverse this rejection. Claims 3 depend from claim 1, claim 9 depends from claim 8, and claims 12-15 depend from claim 11. As demonstrated above, Nakakita fails to teach or suggest the above-identified features of claims 1, 8, and 11. Takeuchi has not been, and indeed cannot be relied upon to fulfill the above-noted deficiency of Nakakita.

Therefore, Applicants respectfully request the withdrawal of the rejection of claims 3, 9, 12-15 for at least the same basis asserted above with regards to independent claims 1, 8, and 11 and further in view of novel features recited therein.

CONCLUSION

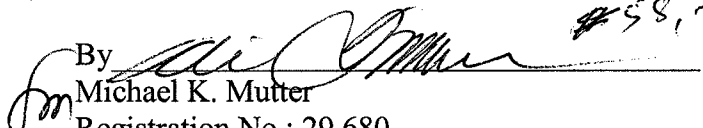
All rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #58,755
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants